



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 2200801
Applicant: Eva Yang for Nguyen Truc Van
Address of Proposal: 3228 Morse Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of one, two-unit ground related dwelling unit in an environmentally critical area. Project includes surface parking for two vehicles, and 67 cubic yards of grading.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

****Early Notice DNS published February 27, 2003**

BACKGROUND DATA

Site and Vicinity Description

The subject site is located at the northeast corner of Morse Avenue South and South Horton Street in the north end of Rainier Valley. Currently, Morse Avenue South dead-ends at the intersection of the undeveloped South Horton Street right-of-way. The site is rectangular in shape and comprises a land area of approximately 4,000 square feet in a Multifamily Lowrise Duplex/Triplex (LDT) zone. The minimum density requirement for LDT zone is 2,000 square

feet of lot area per dwelling unit. The site is overrun with mature trees and dense underbrush. Within 35 feet from Morse Avenue South street frontage, the development site slopes subtly from west to east then dramatically slopes downward to the east property boundary line. Morse Avenue South which abuts the property along the subject site's west property boundary line appears to be a quiet street serving the immediate residential block. The street is partially improved with a paved roadway surface and soft gravel shoulders on either side.

The subject site is located in a small LDT zoning band buffering an expansive lower residential density Single Family 5000 (SF 5000) zone to the west. To the east, a higher residential Multifamily Lowrise 4, Residential Commercial (L 4 RC) is situated. Martin Luther King Junior Way South which runs parallel to Morse Avenue South is located due east of the site approximately 300 feet away. M. L. King Jr. Way South is a primary arterial that currently provides the only access to the development site through South Hanford Street. Dense vegetation in the immediate area provides a sense of seclusion from the activity surrounding M. L. King Jr. Way South. To the north along M. L. King Jr. Way South commercial activity is intensive with established businesses serving the Mount Baker and Rainier Valley neighborhoods.

Proposal Description

The applicant proposes to construct a 2-unit ground related residential structure in an environmentally critical area. Vehicular access to the proposed site will be available through Morse Avenue South located west of the development site and parking would be provided within the proposed structures. The site will be re-graded to accommodate new development, which will include excavation of approximately 46 cubic yards and fill of 21 cubic yards. Future development activity at the subject site may include the creation of four unit lots (Unit Lot Subdivision).

Public Comments

The comment period began on February 27, 2003 and concluded on March 121, 2003. No comments letters were received during the public comment period.

ANALYSIS - SEPA

The development site is located in a steep slope and liquefaction-prone critical area, thus the application is not exempt from SEPA review. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist submitted to DPD by Nguyen Truc Van on February 12, 2003. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with geologic hazard areas and/or a history of unstable soil conditions. ECA review is required because the site has soil conditions that need further scrutiny to properly evaluate subsurface, water conditions, and bearing strength capability. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any

additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

The anticipated future land use activity at the development site which includes a Unit Lot Subdivision have been evaluated and has been determined will not have an adverse impact. The creation of unit lots constitutes no physical activity which would warrant additional scrutiny subject to SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decision pursuant to SEPA.

- ☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.303(2)(C).
- ☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.303(2)(C).

CONDITIONS - SEPA

None.

Signature: _____ (signature on file) Date: January 22, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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